

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

THOMAS RAY SIDES, #1313182	§	
VS.	§	CIVIL ACTION NO. 6:16cv213
STACY FISHER, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Thomas Ray Sides, an inmate confined at the Michael Unit of the Texas prison system, proceeding *pro se* and seeking to proceed *in forma pauperis*, brings this civil rights lawsuit against 29 prison employees. The present case is his latest lawsuit about the food that is being served to him. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that the lawsuit should be dismissed with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). Sides has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Sides, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections raised by Sides are without merit. It is specifically noted that Sides has a history of abuse of court. He has accumulated “three strikes” for purposes of § 1915(g). The facts as alleged in the present lawsuit do not give rise to an inference that he was under imminent danger of serious physical injury at the time he filed the lawsuit and his application to proceed *in forma pauperis*; thus, the lawsuit should be dismissed with prejudice

for purposes of *in forma pauperis* proceedings. Sides' objections and arguments to the contrary lack merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #4) is **ADOPTED**. It is further

ORDERED that the complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is further

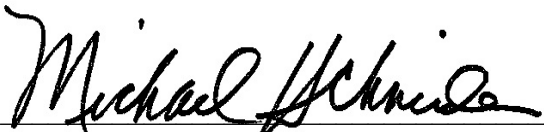
ORDERED that Sides' motion for leave to proceed *in forma pauperis* (docket entry #2) is **DENIED**. It is further

ORDERED that Sides may resume the lawsuit if he pays the entire filing fee of \$400 within thirty days from the entry of the final judgment. Sides is warned, however, that the lawsuit may still be dismissed as frivolous if he timely files the entire filing fee of \$400. It is finally

ORDERED that all motions not previously ruled on are hereby **DENIED**.

It is SO ORDERED.

SIGNED this 12th day of April, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE